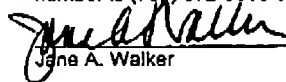


**BEST AVAILABLE COPY****PATENT****CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Dameron L. Jones whose telephone number is (571) 272-0617 and fax number is (703) 872-9306 on

March 19, 2004  
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER****JAN 21 2005**

Applicant: Achilefu et al.  
Serial No.: 09/757,333  
Filed: January 9, 2001  
Art Unit: 1616  
Confirmation No.: 5506  
Examiner: Jones, Dameron L.  
Title: **VERSATILE HYDROPHILIC DYES**  
Atty. Docket No.: MRD-67

Cincinnati, OH 45202

March 19, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL AMENDMENT UNDER 37 CFR §1.312**

As requested by the Examiner in a telephone conference on March 19, 2004 to overcome double patenting, and in compliance with 37 CFR §1.312, please amend the above-referenced application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begin on page 2 of this paper.

**Remarks** begin on page 14 of this paper.

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## PATENT

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Jane A. Walker

January 21, 2005

Date

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/757,333  
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Atty. Docket No.: MRD-67

Cincinnati, OH 45202

January 21, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RE-SUBMISSION OF AMENDMENT UNDER 37 C.F.R. § 1.312**

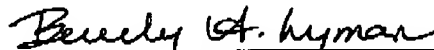
Attached is a copy of an Amendment which was faxed with a Certificate of Facsimile Transmission to the Patent and Trademark office on March 19, 2004. Also attached is a copy of the communication result report and the Auto-Reply Facsimile Transmission from the U.S. Patent and Trademark Office, both of which indicate that the fax was received by the U.S. Patent and Trademark Office on that date.

In a telephone conference with Examiner Jones on or about January 14, 2005, it was determined that the Amendment is not in the Patent and Trademark Office file. It is therefore requested that this Response be entered in the above-referenced application. It was further determined in the telephone conference with Examiner Jones that she would submit an Examiner's Amendment; therefore there is no need for any action regarding this Amendment. Applicants' provide this Amendment so that the Patent and Trademark Office has the complete prosecution history of this application.

Applicant does not believe that any fees are due in connection with this submission as the Amendment was timely submitted and inadvertently misplaced by the U.S. Patent and Trademark Office after receipt. However, if such petition is due or any fees are necessary, the Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Beverly A. Lyman, Ph.D.  
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PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1996  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

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**JAN 21 2005**

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TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

January 21, 2005

**FACSIMILE COVER SHEET**

To: Commissioner of Patents  
 Attn: Examiner Dameron Jones

From: Beverly A. Lyman, Ph.D.

Fax: 703 872 9306

Re: Our File: MRD-67  
 U.S. Serial No. 09/757,333

Pages: (including cover sheet) 15

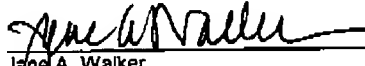
**MESSAGE/COMMENTS****ATTACHMENTS/COMMENTS: OFFICIAL**

Please docket the attached documents and forward to Examiner Jones for consideration.

Re-submission of Amendment (2 pg)  
 Supplemental Amendment of Under 37 CFR § 1.312 (14 pg)  
 Facsimile confirmation sheets (2 pg)

**Certificate of Facsimile Transmission**

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 Attn: Examiner Dameron Jones, whose telephone number is 571 272  
 0617, at fax number 703 872 9306 on

  
 Jane A. Walker

January 21, 2005  
 Date

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